

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUAN LOPEZ,

Plaintiff,

-against-

THERMO TECH MECHANICAL INC., et
al.,

Defendants.

USDC SDNY
DOCUMENT
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DATE FILED: 10/26/2023

20-CV-9113 (LTS) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

For the reasons stated during today's telephonic conference:

1. Because the discovery requested in plaintiff's letter-motion at Dkt. 107 was provided only after the letter-motion was filed, and none of the exceptions set forth in Fed. R. Civ. P. 37(a)(5)(A)(i)-(iii) applies, defendants and their counsel must pay plaintiff's reasonable expenses, including attorney's fees, incurred in making the letter-motion. The Court has estimated those expenses at \$500. The payment shall be made within 30 days of the date of this Order.
2. The parties are directed to meet and confer in good faith and in real time, for at least 30 minutes, regarding settlement. Thereafter, no later than **November 7, 2023**, the parties shall file a joint letter advising the Court whether they believe a judicially-supervised settlement conference would be fruitful. Should the parties wish to convey sensitive information regarding their settlement positions, they may supplement their publicly-filed letter with a more detailed letter sent via email to Moses_NYSDChambers@nysd.uscourts.gov.
3. The status conference previously scheduled for November 8, 2023, is *ADJOURNED sine die*.

4. Plaintiff shall file any class certification motion no later than **December 1, 2023**.

At the same time, the parties shall propose a briefing schedule for the motion.

5. If plaintiff files a class certification motion, summary judgment motions shall be deferred until 30 days after that motion is determined. If no certification motion is filed, summary judgment motions are due 30 days after the close of all discovery.

The Clerk of Court is respectfully directed to close the motion at Dkt. 107.

Dated: New York, New York
October 26, 2023

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge